

**REMARKS**

In accordance with the foregoing, claim 23 has been added. Claims 1-14, 17-18 and 20-23 are pending and under consideration.

**REJECTIONS UNDER 35 U.S.C. §103:**

*Claims 1-3, 7-11, 13, and 17-18 are rejected under 35 U.S.C. §102(e) as being anticipated by Eyer (U.S. Patent 5,982,411) (Office Action, item 3).*

Initially, it is noted that the heading of item 3 refers to a §102 rejection under Eyer. However, the discussion of this rejection refers to Pitsch, and indicates that it would have been obvious to modify Eyer to display the channel number of the TV channel selected by the viewer. Thus, the rejection appears to be under 35 U.S.C. §103. Clarification of the rejection is respectfully requested.

Using independent claim 1 as an example, this claim recites "automatically displaying... minor channel numbers... and a number of the major channel."

These features were previously pointed out. In response, the Examiner presently admits that Eyer does not teach displaying the major channel number. Instead, the Examiner relies upon Pitsch et al. However, Pitsch et al. only teaches that it is generally desirable to display information such as the selected channel number. Pitsch et al., column 1, line 11. Thus, this is only a general teaching, and does not teach the specific features of displaying the major channel number in connection with the minor channel numbers.

*Claims 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Eyer in view of Etheredge (U.S. Patent 6,172,674).*

The comments above also apply here. Etheredge does not overcome the above deficiencies in Eyer and Pitsch et al.

*Claims 12 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Eyer in view of Keenan (U.S. Patent 5,161,023).*

The comments above also apply here. Keenan does not overcome the above deficiencies in Eyer and Pitsch et al.

*Claims 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Eyer in view of Kim (U.S. Patent 5,161,023).*

Claim 21 depends from claim 1 and recites displaying "all" of the minor channel numbers. The Examiner relies upon Kim, however, this reference teaches displaying "several" sub-channels. Kim, col. 6, ln. 22-23. There is no teaching that the several sub-channels include all of the minor channels, as claimed.

Furthermore, it is respectfully submitted that the Examiner's combination is not proper, since the requisite motivation is lacking. This motivation must be taught in the references themselves.

Rejection of patent applications for obviousness under 35 U.S.C. §103 must be based on evidence comprehended by language of that section, and search for and analysis of prior art includes evidence relevant to finding of whether there is teaching, motivation, or suggestion to select and combine references relied on as evidence of obviousness; factual inquiry whether to combine references must be thorough and searching, based on objective evidence of record. In re Lee 61 USPQ2d 1430 (CAFC 2002). Thus, as pointed out in In re Lee, the record must support motivation, i.e., there must be something in the record pointing out where the recited motivation can be found. In addition, there must be some discussion on how that purported motivation or suggestion is even relevant to the reference being modified. The Examiner's purported motivation (so that the user is aware of channel selection options) is not taught in the references.

#### **NEW CLAIM:**

New claim 23 is added and recites "displaying the program of the selected minor channel, wherein the program of the non-selected minor channel is not displayed." In contrast, Kim generally teaches displaying the programs of the non-selected minor channels. Kim, FIG. 6.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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